

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

WILLIE JAMES POLLEY,
Petitioner,

VS.

COLE JETER, Warden,
FMC-Fort Worth,
Respondent.

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CIVIL ACTION NO.4:05-CV-458-Y

ORDER ADOPTING
MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS
(With special instructions to the clerk of Court)

In this action brought by petitioner Willie James Polley under 28 U.S.C. § 2241, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on July 29, 2005; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 11, 2005.

The Court, after de novo review, concludes that Polley's objections must be overruled and that the petition for writ of habeas corpus under 28 U.S.C. § 2241 should be dismissed for lack of jurisdiction, for the reasons stated in the magistrate judge's findings and conclusions.

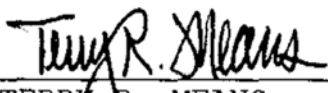
In reviewing the record in this file, the Court also notes that Polley submitted a \$5.00 filing fee prior to the submission and ruling upon his motion to proceed in forma pauperis. As such, the order permitting him to proceed in forma pauperis must be vacated.

It is therefore ORDERED that the findings, conclusions, and recommendation of the magistrate judge should be, and are hereby, ADOPTED.

It is further ORDERED that the July 29, 2005 Order granting motion to proceed IFP be, and is hereby, VACATED, and the motion to proceed IFP [docket no. 4] be, and is hereby, DISMISSED as moot.¹

It is further ORDERED that Willie James Polley's petition for writ of habeas corpus under 28 U.S.C. § 2241 be, and is hereby, DISMISSED for lack of jurisdiction.

SIGNED August 19, 2005.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

¹The clerk is directed to make these changes on the docket.

